HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21845 of 2006

Dated:23.10.2006

Between:

Devatha Sankshema Sangam.

…Petitioner

and

The A.P.Southern Power Distribution Company Limited and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.21845 of 2006

ORDER:

Devatha Sankshema Sangam, Nandigama, filed the present Writ Petition seeking a writ of mandamus declaring the action of the first respondent, namely the A.P.Southern Power Distribution Company Limited (APSPDCL), in issuing the letter dated 30.09.2006 as arbitrary and illegal.

The petitioner is a registered Society established with an object of creating employment to rural youth. It was appointed as an Agency for collection of Electricity Bills from Nandigama and Chandarlapadu Mandals in Krishna District, on condition of the petitioner giving a bank guarantee for a sum of Rs.20,00,000/-. The petitioner complied with such condition and the work of collection of Electricity Bills in respect of Nandigama Mandal was entrusted to the petitioner on 18.07.2001 and in respect of Chandarlapadu Mandal on 29.09.2001. The petitioner alleges that the third respondent herein with a *mala fide* intention approached the first respondent to change the name of the Agency as M/s.Devatha Gantaiah Sankshema Sangam. The first respondent, the petitioner alleges, in collusion with the third respondent issued the impugned letter without notice to the petitioner.

The learned Counsel for the petitioner submits that the action of

the first respondent in issuing the impugned letter directing execution of fresh agreement with M/s.Devatha Sankshema Sangam is illegal and arbitrary. After perusing the material and considering the submissions of the learned Counsel for the petitioner, this Court is of considered opinion that the dispute raised herein is not in the realm of public law. Even according to the petitioner, initially Devatha Welfare Association was registered and subsequently it was changed as Devatha Sankshema Sangam in whose favour the first respondent granted Agency to collect Electricity Bills. The certificate issued by the District Registrar, Vijayawada, registering the petitioner-Sangam as Society No.55 of 2001 is also annexed to the Writ Petition. A perusal of the impugned letter would show that on the request made by the President of the petitioner-Sangam alone, the first respondent changed the Agency as M/s.Devatha Gantaiah Sankshema Sangam and advised to enter into fresh agreement. If there is any dispute between the persons representing the petitioner and the third respondent, such dispute has to be resolved in the civil Court and this Court cannot find fault with the action of the first respondent in issuing the impugned letter.

The Writ Petition is wholly misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

23.10.2006

Note: Issue C.C in one week.

B/o.

vs